

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this correspondence is being filed electronically with the U.S. Patent and Trademark Office on the below date:

Date: October 24, 2008 Name: John G. Rauch Signature: /John G. Rauch/

Our Case No. 10808/10808

Client ref. In1221WOUS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Schuler, Franz, et al. )  
Serial No. 10/501,406 ) Examiner: Louie, Wai Sing  
Filing Date: January 7, 2005 ) Group Art Unit No. 2814  
For NON-VOLATILE TWO- ) Confirmation No. 9530  
TRANSISTOR SEMICONDUCTOR )  
MEMORY CELL AND METHOD )  
FOR PRODUCING THE SAME )

**COMMUNICATION REGARDING ISSUE FEE**

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Issue Fee for this application was previously paid in the amount of \$1440 on March 24, 2008. A copy of Form PTOL-85 – Part B Fee(s) Transmittal and a copy of an Electronic Acknowledgement Receipt, both dated March 24, 2008 are enclosed evidencing payment of the Issue Fee.

Subsequently, a Petition to Withdraw from Issue was filed on April 16, 2008 and the Petition was granted. A copy of the Decision on Petition dated April 17, 2008 is enclosed. The Decision on Petition included the following advisory:

**Petitioner is advised that the Issue fee paid on March 24, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the Issue fee required by the new Notice of Allowance.**

Application no. 10/501,406  
Request dated: October 24, 2008  
Reply to Notice of Allowance dated: July 24, 2008

In accordance with this advisory, the Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above.

In the PTOL-85 Fee(s) transmittal included herewith, an Issue Fee of \$1440 is indicated as being now due. Due to the change in PTO fees as of October 1, 2008, the current issue fee is \$1510.

On the enclosed the PTOL-85 Fee(s) transmittal, box 4a "Issue Fee" has been checked and box 4b authorizing charge of the Issue Fee to a Deposit Account. However, it is requested that the previously-paid issue fee in the amount of \$1440 instead be applied to payment of the now-due Issue Fee and that a now-due issue fee of \$70 plus \$3 for one advance order copy of the issued patent be charged to deposit account number 23-1925.

Respectfully submitted,

/John G. Rauch/  
John G. Rauch  
Registration No. 37,218  
Attorney for Applicant

October 24, 2008  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
 or **Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

48581 7590 12/26/2007

BRINKS HOFER GILSON & LIONE  
 INFINEON  
 PO BOX 10395  
 CHICAGO, IL 60610

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

John G. Rauch	(Depositor's name)
<i>John G. Rauch</i>	(Signature)
March 24, 2008	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,406	01/07/2005	Franz Schuler	10808/145	9530

TITLE OF INVENTION: NON-VOLATILE TWO-TRANSISTOR SEMICONDUCTOR MEMORY CELL AND METHOD FOR PRODUCING THE SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	03/26/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
LOUIE, WAI SING	2814	438-264000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. BRINKS HOFER GILSON  
 & LIONE  
 2.  
 3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

INFINEON TECHNOLOGIES AG

Munich, Germany

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
- ☒ Publication Fee (No small entity discount permitted)
- ☒ Advance Order - # of Copies 1

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 23-1925 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

*John G. Rauch*

Date

March 24, 2008

Typed or printed name

John G. Rauch

Registration No.

37,218

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	3042182
<b>Application Number:</b>	10501406
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	9530
<b>Title of Invention:</b>	NON-VOLATILE TWO-TRANSISTOR SEMICONDUCTOR MEMORY CELL AND METHOD FOR PRODUCING THE SAME
<b>First Named Inventor/Applicant Name:</b>	Franz Schuler
<b>Customer Number:</b>	48581
<b>Filer:</b>	John G. Rauch/Jesus Rodriguez
<b>Filer Authorized By:</b>	John G. Rauch
<b>Attorney Docket Number:</b>	10808/145
<b>Receipt Date:</b>	24-MAR-2008
<b>Filing Date:</b>	07-JAN-2005
<b>Time Stamp:</b>	16:50:06
<b>Application Type:</b>	U.S. National Stage under 35 USC 371

### Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 1743
RAM confirmation Number	1973
Deposit Account	231925
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. 1.492 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	10808145TRANSMITTAL.pdf	54339 19629d5f76b76f24387c8b7436c5d6a0376a6d44	no	1

### Warnings:

### Information:

2	Issue Fee Payment (PTO-85B)	10808145FEESTRANSMITTAL.pdf	124910 9f23e4df6d1c4c70de2b94e4de824cea8daf4dc6	no	1
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### Warnings:

### Information:

3	Fee Worksheet (PTO-06)	fee-info.pdf	8519 deee3fbb4a88969a724bf10481c7595cd508d512	no	2
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### Warnings:

### Information:

Total Files Size (in bytes):

187768

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

### New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

### National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

### New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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PO BOX 10395  
CHICAGO IL 60610

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APR 17 2008

In re Application of :  
**SCHULER, et al.** :  
Application No. 10/501,406 : DECISION GRANTING PETITION  
Filed: January 7, 2005 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 10808/145 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 16, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on March 24, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2814 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Monica A. Graves  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Date : April 17, 2008  
TO : Director, Office of Patent Publication  
FROM : Office of Petitions  
SUBJECT : Withdrawal from Issue of Application No. 10/501,406

Applicant(s) : SCHULER, et al.  
Application No. : 10/501,406  
Filed : January 7, 2005

The above-identified application has been assigned Patent No. 7,368,351 and an issue date of May 6, 2008.

It is hereby directed that this application be withdrawn from issue at the request of the applicant. Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of May 6, 2008:

**"All reference to Patent No. 7,368,351 to SCHULER, et al. of Dresden, Germany for NON-VOLATILE TWO-TRANSISTOR SEMICONDUCTOR MEMORY CELL AND METHOD FOR PRODUCING THE SAME appearing in the Official Gazette of \* should be deleted since no patent was granted."**

Monica A. Graves  
Petitions Examiner  
Office of Petitions

cc: Paul Harrison  
Deneise Boyd  
Mary Louise McAskill  
Nlomi Farmer  
Mary E. Johnson (Cookie)  
Duane Davis (CDS)  
Brad Harris  
Kimberly Terrell  
Kay Pinkney  
Betty Powell